

E-FILED: February 22, 2012

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES ALAN BUSH,

No. C08-01354 LHK (HRL)

Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION FOR PRODUCTION OF
PRIOR STATEMENTS**

v.

SUNNYVALE DEPARTMENT OF PUBLIC
SAFETY, et al.,

[Re: Docket No. 180]

Defendants.

Pursuant to Fed. R. Civ. P. 26(b)(3)(C), plaintiff James Alan Bush moves for an order compelling the County Public Defender's Office (Office) to produce statements that it reportedly made about the instant lawsuit.¹ That rule, however, provides that a party may obtain his or her *own* prior statements about an action or its subject matter. Moreover, although Bush says that he is seeking to have a prior order of dismissal vacated, the fact remains that the Office is not a party to this action. In any event, it appears that this case has not progressed to the point where plaintiff would be entitled to take discovery from any source. FED. R. CIV. P. 26(d)(1). Accordingly, plaintiff's motion to compel is denied.

SO ORDERED.

Dated: February 22, 2012



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

¹ The matter is deemed suitable for determination without oral argument, and the noticed motion hearing is vacated. Civ. L.R. 7-1(b).

United States District Court
For the Northern District of California

1 5:08-cv-01354-LHK Notice sent by U.S. Mail to:

2 James Alan Bush
3 471 East Julian Street
4 San Jose, CA 95112
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